

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION**

Terry Stanley,)	
)	
Petitioner,)	4:05-cv-0663-CWH
)	
vs.)	
)	
United States of America,)	ORDER
)	
Respondent.)	
_____)	

On March 1, 2005, pursuant to 28 U.S.C. §2255, the petitioner commenced this pro se action attacking his guilty plea and sentence. On February 2, 2006, the government moved for summary judgment. On February 8, 2006, the Court issued a Roseboro order advising the petitioner of summary judgment dismissal procedure and informing the petitioner that he must respond within 34 days of the date of the order. On May 24, 2006, the Court ordered the petitioner to respond. To this date, the petitioner has not responded.

On July 14, 1999, a federal grand jury charged the petitioner with Possession with Intent to Distribute crack cocaine in violation of 21 U.S.C. §841(a)(1). On September 2, 1999, the petitioner pled guilty. On February 22, 2000, the Court sentenced the petitioner to 135 months in prison followed by 5 years supervised release. On February 25, 2000, the Court entered judgment. On April 3, 2000, the petitioner filed a notice of appeal. On June 22, 2000, the Fourth Circuit Court of Appeals dismissed the petitioner's appeal.

A motion pursuant to 28 U.S.C. §2255 must be made within one year of final judgment. The petitioner filed this action on March 1, 2005, almost four years after the petitioner's judgment became final. On May 24, 2006, the Court issued an order stating that this action is

subject to dismissal pursuant to the one year limitation period provided for in 28 U.S.C. §2255. The Court ordered the petitioner to file any material to support a claim that this action has been filed within the limitations period described above. The petitioner has failed to do so.

This action is dismissed pursuant to the one year limitation period provided for in 28 U.S.C. §2255.

AND IT IS SO ORDERED.



C. WESTON HOUCK
UNITED STATES DISTRICT JUDGE

August 15, 2006
Charleston, South Carolina